

## SENATOR TERRELL

Opposed it.

The amendment was lost by the following vote:

## YEAS—10.

Abercrombie,	Frank,
Armistead,	Harrison,
Burges,	McDonald,
Camp,	MacManus.
Douglass of J.	Stinson.

## NAYS—15

Allen,	Garrison,
Bell,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane.
Claiborne,	Simkins,
Davis,	Terrell.
Douglass of G,	Woodward.
Field,	

The bill as amended was passed to third reading.

## SENATOR BURGESS

Moved to adjourn till 10 o'clock to-morrow morning.

Lost.

House bill No. 25.

"An act to provide for a more speedy count of the vote at special and general elections, and to pay the judges and clerks for the same," was laid before the Senate and read second time with favorable report.

## SENATOR BELL

Moved to amend section 1, line 3, by striking out the word "one" and insert in lieu thereof "two."

## SENATORS BELL AND HARRISON

Favored the amendment and it was adopted.

## SENATOR LANE

Moved to amend by adding section 5, which shall read as follows:

"Whenever any presiding judge shall summons any citizen to act either as judge or clerk of any election under this bill, and such person shall fail or refuse to serve unless excused by such judge he shall be deemed guilty of an offense, and upon conviction shall be fined not less than \$10 nor more than \$25."

Lost.

The bill, as amended, was passed to third reading.

On motion of Senator Lane.

The Senate adjourned till 10 o'clock to-morrow morning by the following vote:

## YEAS—16.

Abercrombie,	Garrison,
Allen,	Harrison,
Armistead,	Jarvis,
Bell,	Knittle,
Calhoun,	Lane,
Camp,	Stinson,
Davis,	Terrell,
Douglass of G,	Woodward.

## NAYS—9.

Burges,	Frank,
Burney,	McDonald,
Claiborne,	MacManus,
Douglass of J,	Simkins.
Field,	

## FIFTIETH DAY.

SENATE CHAMBER. }  
AUSTIN, March 9, 1887. }

The Senate met pursuant to adjournment.

The President and President pro tem. being absent,

## SECRETARY RAMEY

Occupied the chair.

Roll called.

Quorum present.

Prayer by the Chaplain Dr. Smoot.

## THE SECRETARY

Announced the first thing in order to be the election of a President pro tem.

## SENATOR CALHOUN

Raised the point of order that as Senator Allen was in the chair on adjournment yesterday, he should now occupy the chair.

The point of order was not sustained, the rule prescribing that when a Senator is called to the chair, he is to occupy it only until an adjournment.

On motion of Senator Bell,

The Senate proceeded to ballot for President pro tem.

## SENATOR FRANK

Nominated Senator Garrison for President pro tem.

SENATOR CLAIBORNE

Seconded the nomination.

SENATORS TERRELL, CALHOUN AND  
HOUSTON

Were appointed as tellers.

The ballot being cast up, Senator Garrison received twenty three votes, and Senator Armistead received one vote.

SENATOR GARRISON

Having received a majority of all the votes cast, was declared elected President pro tem., and approaching the Secretary's desk was sworn in by the Secretary, and took the chair.

On motion of Senator Burney.

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Abercrombie, Senator Pope was excused indefinitely on account of sickness.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, March 9, 1887. }

*Hon. T. B. Wheeler, President of the Senate.*

Sir—I am instructed by the House to inform the Senate that the House has passed

Senate substitute bill No. 50.

"An act to require railway companies to give their employes thirty days notice before reducing their wages, and to provide a remedy for the violation thereof."

WILL LAMBERT, chief clerk,  
House of Representatives.

## PETITIONS AND MEMORIALS.

BY SENATOR DAVIS:

Petition of citizens of Leon county asking aid for the State militia.

Referred to Committee on Military Affairs.

BY SENATOR BELL:

Petition from citizens of Hamilton county praying for the submission of a constitutional amendment exempting manufactories from taxation.

Referred to Committee on Constitutional Amendments.

BY SENATOR BURNEY:

Petition from the citizens of Reeves county asking the passage of the Pecos irrigation bill.

Ordered to lie on table with bill.

SENATOR HARRISON

Asked to have printed journal corrected to show that his amendment to Senate bill No. 251, on seventh page, was adopted.

(Journal corrected.)

## REPORTS OF STANDING COMMITTEES.

BY SENATOR FRANK:

COMMITTEE ROOM, }  
AUSTIN, March 9, 1887. }

*Hon. T. B. Wheeler, President of the Senate.*

Sir—Your Committee on Engrossed Bills have carefully examined Senate substitute bill No. 1, and House bill No. 21, entitled:

"An act to establish a house of correction and reformatory and to provide for its government and maintenance, and to make an appropriation therefor," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER, }  
AUSTIN, March 8, 1887. }

*Hon. T. B. Wheeler, President of the Senate.*

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 199, entitled:

"An act to repeal Article 190, title 3, chapter 8 of the Code of Criminal Procedure of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER, }  
AUSTIN, March 9, 1887. }

*Hon. T. B. Wheeler, President of the Senate.*

Sir—Your Committee on Engrossed Bills have carefully examined

Senate bill No. 42, entitled:

"An act to amend article 683, and chapter 3, title 17, of the Penal Code of the State of Texas, by adding thereto article 683a," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }  
AUSTIN, March 8, A. D. 1887. }

*Hon. T. B. Wheeler, President of the Senate.*

Sir—Your Committee on Engrossed Bills have carefully examined

Senate bill No. 116, entitled:

"An act to amend title 20, of the Revised Civil Statutes of the State of Texas, by adding another chapter thereto, to be styled chapter fourteen," and find the same correctly engrossed.  
FRANK, chairman.

SENATE CHAMBER. }  
AUSTIN, March 8, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 238, entitled:

"An act to authorize commissioners' courts in this State to purchase dogs for the purpose of aiding in the arrest of criminals," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER. }  
AUSTIN, March 9, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined Senate bill No. 144, entitled:

"An act to amend Article 2432, 2433 and 2434, chapter 43, of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }  
AUSTIN, March 9, A. D. 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined

Senate bill No. 174, entitled:

"An act to amend section 1, of an act entitled 'an act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations,' approved March 31, A. D. 1885," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR HARRISON:

COMMITTEE ROOM, }  
AUSTIN, March 9, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Counties and County Boundaries, to whom was referred House substitute for Senate bill No. 85, entitled:

"An act to create the county of Mills," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass

All of which is respectfully submitted.

HARRISON, chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, March 9, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House bill No. 150,

"An act to amend section 3 of an act entitled 'an act to amend Articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Civil Statutes as amended March 24, 1881,' approved May 4, 1881."

Also

House bill No. 385.

"An act to postpone the levy and sale of real and personal property for taxes assessed for the year 1886, in the counties herein named, until the first day of November, A. D. 1887."

WILL LAMBERT,

Chief Clerk House of Representatives.

#### THE PRESIDENT

Referred House bill No. 52, and House bill No. 335, to Committee on Finance.

And

House bill No. 150, to Judiciary Committee No. 1.

The Senate resumed consideration of Senate bill No. 117 (local option bill), as unfinished business.

Senator Allen, by leave, withdrew his amendment.

Senator Simkins, by leave, withdrew his amendment.

#### SENATOR BELL

Offered the following amendment:

Amend Article 3227 so as to read:

Article 3227. The commissioners' court of each county in the State, whenever they deem it expedient, may order an election to be held by the qualified voters of said county, or of any justices' precinct, town or city therein, to determine whether or not the sale of intoxicating liquors shall be prohibited in such county, justices' precinct, town or city; provided it shall

be the duty of said commissioners' court, to order the election aforesaid whenever petitioned to do so by as many voters in said county, justice precincts, town or city, as shall equal in number at least one third of the aggregate vote cast for Governor in such county, justice precinct, town or city at the last general election.

SENATOR ALLEN

Opposed the amendment, and moved to amend it as follows:

Strike out proviso and insert the following:

"Provided said commissioners shall not order an election unless ten per cent of the qualified voters shall petition for it, nor shall they refuse to order an election when twenty per cent of the qualified voters petition for it, the estimate of voters to be based on the latest election for Governor."

SENATORS BELL, CLAIBORNE, SIMKINS  
AND TERRELL

Opposed the amendment, and

SENATORS ALLEN AND STINSON

Favored it.

The amendment was lost.

SENATOR STINSON

Moved to amend the amendment as follows:

Amend by striking out all that leaves the ordering of an election to the discretion of the commissioners' court.

SENATOR STINSON

Made an argument in favor of his amendment.

It was lost.

SENATOR FIELD

Moved to

Amend by striking out the words, "actually sick and," in line 2, page 2. Adopted.

SENATOR CALHOUN

Moved to reconsider the vote by which the amendment was adopted.

SENATOR FIELD

Opposed the reconsideration of the vote.

SENATOR CALHOUN

Spoke in favor of the reconsideration.

The vote was reconsidered by the following vote:

YEAS—18.

Abercrombie,	Garrison,
Allen,	Harrison,
Armistead,	Jarvis,
Bell,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Davis,	Simkins,
Douglass of G,	Terrell,
Frank,	Woodward.

NAYS—7.

Burges,	Houston,
Camp,	Knittle,
Claiborne,	Stinson.
Field,	

ABSENT—1.

Douglass of J.

The amendment was lost by the following vote:

YEAS—10.

Burges,	Houston,
Camp,	Knittle,
Field,	Lane,
Frank,	Stinson,
Harrison,	Woodward.

NAYS—16.

Abercrombie,	Douglass of J,
Allen,	Douglass of G,
Armistead,	Garrison,
Bell,	Jarvis,
Burney,	McDonald,
Calhoun,	MacManus,
Claiborne,	Simkins,
Davis,	Terrell

SENATOR BURGESS

Moved to amend by inserting in line 17, section 2, after the word "physician," "save in case of immediate necessity and great danger."

SENATOR BURGESS

Made an argument in favor of the amendment.

SENATORS BELL AND CALHOUN

Opposed the amendment and it was lost.

SENATOR LANE

Moved to strike out Article 3228.

SENATOR LANE

Spoke in favor of the amendment, and it was lost.

## SENATOR HOUSTON

Moved to reconsider the vote just taken.

Lost by the following vote:

YEAS—5.

Calhoun,	Lane,
Houston,	Stinson.
Knittle,	

NAYS—20.

Abercrombie,	Field,
Allen,	Frank,
Armistead,	Garrison,
Bell,	Harrison,
Burney,	Jarvis,
Camp,	McDonald,
Claiborne,	MacManus,
Davis,	Simkins,
Douglass of J,	Terrell,
Douglass of G,	Woodward.

ABSENT—1.

Burges.

## SENATOR SIMKINS

Offered the following amendment.

"Article 3228a. The prescription mentioned in the preceding article shall not be valid unless written upon a prescription form, containing the affidavit required in preceding section, and taken from 'an alcoholic prescription book,' and dated and signed by said physician, who shall also endorse upon the stub from which said prescription form is torn the date and number of the same, and the quantity and kind of stimulant prescribed, and said physician shall present his stub book or book at each regular meeting of the county commissioners' court, together with his written affidavit that the said stub truly contains a full exhibit of all prescriptions for intoxicating liquors made or authorized by him since the last meeting of the county commissioners' court.

"Article 3228b. It shall be the duty of the county clerk of the county in which local option is adopted, in whole or in part, and within thirty days thereafter, and from time to time, to procure from the State Comptroller a sufficient number of alcoholic prescription books, stamped with the seal of State, each book containing 50 prescription forms with certificates printed thereon, as prescribed in Article 3227, and attached to stubs, which said books shall be sold only to regular practicing physicians at \$5 each, said money, less 50 cents fee to the clerk,

to be paid into the State treasury to the benefit of the State reformatory, and said clerk shall report to each term of said commissioners' court, the number of prescription books sold by him, to what physician sold, and the date of said sale.

"Article 3229. It shall be unlawful for the druggist to fill said prescription more than once and when filled he shall endorse on said prescription the word 'cancelled,' and file the same away until the next regular session of the county commissioners' court, at which he shall report the number of alcoholic prescriptions filled by him or at his place of business, and shall present such prescriptions as vouchers, together with his affidavit that the said prescriptions were filled but once and he has not sold any intoxicating liquor since the last term of said commissioners' court except upon the prescriptions aforesaid, and the same shall be destroyed by said commissioners' court.

## SENATOR SIMKINS

Made an argument in favor of the amendment.

## SENATOR ALLEN

Moved to amend the amendment as follows:

Strike out "five dollars," in line 5, Article 3223b, and substitute "fifty cents."

## SENATOR ALLEN

Spoke in favor of, and

## SENATOR SIMKINS

Against the amendment, and it was lost.

## SENATOR ALLEN

Moved to amend the amendment as follows:

Add to Article 3228b "or if not a whole subscription book, the number of subscriptions sold and all fractions of books sold."

Lost.

## SENATOR TERRELL

Opposed the pending amendment.

And

## SENATOR CALHOUN

Favored it.

## SENATOR BURGESS

Moved the previous question on the amendment.

Seconded, and main question ordered by the following vote:

## YEAS—14.

Armistead,	Field,
Bell,	Frank.
Burges,	Houston,
Burney,	Knittle,
Camp,	Lane,
Calhoun,	Stinson,
Douglass of J,	Woodward.

## NAYS—11.

Abercrombie,	Jarvis,
Allen,	McDonald,
Claiborne,	MacManus,
Davis,	Simkins,
Garrison,	Terrell.
Harrison,	

## ABSENT—1.

Douglass of G.

The amendment was lost by the following vote:

## YEAS—12.

Abercrombie,	Douglass of J,
Burges,	Garrison,
Burney,	Harrison,
Calhoun,	Lane,
Claiborne,	Simkins,
Davis,	Stinson.

## NAYS—13.

Allen,	Jarvis,
Armistead,	Knittle,
Bell,	McDonald,
Camp,	MacManus,
Field,	Terrell,
Frank,	Woodward.
Houston,	

## ABSENT—1.

Douglass of J.

## SENATOR BELL

Moved to amend section 3229, by striking out "sell," after the figures "3229 and down to and including the words to order an," in line 3, and insert in lieu thereof: "When the commissioners' court of their own motion, or upon the petition provided for in Article 3227, shall order the election as herein provided for, it shall be the duty of said court to order such election." Adopted.

## SENATOR CLAIBORNE

Offered the following amendment.

Amend the bill by adding an additional section, as follows:

And that no railway or other common carrier shall receive or receipt for any barrel, box, case, keg, jug, bottle, demijohn, egg, grapes or any other article of merchandise, without a full knowledge of the contents, where the same is to a consignee in any district, county, State or precinct where prohibition or local option is in force, unless the consignee be a regular druggist.

## SENATOR M'DONALD

Raised the point of order that the amendment is not germane to the bill. Sustained.

The bill was ordered engrossed by the following vote:

## YEAS—19.

Abercrombie,	Frank,
Allen,	Garrison,
Armistead,	Harrison,
Bell,	Jarvis,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Claiborne,	Stinson,
Davis,	Terrell.
Field,	

## NAYS—5.

Burges,	Knittle,
Douglass of J,	Lane.
Houston,	

## ABSENT—2.

Douglass of G, Woodward.

## SENATOR STINSON

Sent up the following reasons for casting his vote:

I vote for the engrossment of this bill while I do not endorse it as it now stands, but I cast this vote hoping the friends of the measure will so amend it before its final passage as to eliminate the objectionable features.

STINSON.

The following message was received from the Governor.

EXECUTIVE OFFICE, }  
AUSTIN, March 9, 1887. }

*To the Senate of the State of Texas:*

I ask your advice and consent to the appointment of James H. Lyday, of Fannin county to be district attorney of the Sixth judicial district.

Respectfully,

L. S. Ross,  
Governor.

EXECUTIVE OFFICE, }  
AUSTIN, March 9, 1887. }

*To the Senate of Texas:*

I ask your advice and consent to the appointment of

Samuel Gelston of Brownsville,  
Elisha Kenedy of Brownsville,  
Fred Forto of Point Isabel,  
Christian Hess, of Point Isabel, and  
Wm. Kelly, Brownsville,

To be pilot commissioners at Brazos Santiago.

Respectfully,

L. S. Ross,  
(Governor.)

On motion of Senator Harrison,  
Senate bill No 250,  
"An act to amend chapter 4, title 29  
of the Revised Civil Statutes of the  
State of Texas by adding thereto Ar-  
ticle 119a," was taken up, read second  
time with favorable committee report,  
and was ordered engrossed.

On motion of Senator Frank,  
Substitute Senate bill No. 1,  
And  
House bill No 21,  
"An act to establish a house of cor-  
rection, and reformatory, and to pro-  
vide for its government and mainten-  
ance, and make an appropriation  
therefor," was taken up, read third  
time and passed.

On motion of Senator Bell,  
Senate bill No. 232.  
"An act to amend article 358, of  
chapter 3, title 11, of the Penal Code  
of the State of Texas," was taken up,  
read second time with favorable re-  
port.

SENATOR CALHOUN

Moved to amend.

Insert after the word "alley" in line  
7, the words "used for gaming and  
such pigeon hole table or jenny lind  
table or nine or ten pin alley."

SENATOR CALHOUN

Explained the amendment and it was  
adopted.

SENATOR STINSON

Moved to amend by adding after "ten  
pin alley," wherever it occurs, the fol-  
lowing: "Table or alley of any kind  
whatever, regardless of the number of  
pins, balls or rings used."

SENATOR STINSON

Explained the amendment and it was  
Adopted

SENATOR LANE

Moved to strike out "imprisonment,"  
in line 13, and insert in lieu thereof  
the words "may be imprisoned."

SENATOR LANE

Favored the amendment.

SENATOR BELL

Opposed it, and it was  
Lost by the following vote:

YEAS—9.

Abercrombie,	Field,
Burges,	Houston,
Camp,	Kuittle,
Claiborne,	Lane,
Douglass of J,	

NAYS—16.

Allen,	Garrison,
Armistead,	Harrison,
Bell,	McDonald,
Burney,	MacManus,
Calhoun,	Simkins,
Davis,	Stinson,
Douglass, of	Terrell,
Frank,	Woodward.

ABSENT—1.

Jarvis.

SENATOR ALLEN

Offered the following amendment:  
In lines 13 and 14, change "ten" to  
"five" and "ninety" to "thirty."

SENATOR HARRISON

Moved the previous question on the  
amendment and the engrossment of  
the bill.

Seconded and main question ordered.

The amendment was lost.

The bill was ordered engrossed by  
the following vote:

YEAS—16.

Allen,	Frank,
Armistead,	Garrison,
Bell,	Harrison,
Burney,	McDonald,
Calhoun,	Simkins,
Camp,	Stinson,
Davis,	Terrell,
Douglass of G,	Woodward.

NAYS—8.

Abercrombie,	Field,
Burges,	Houston,

Claiborne, Knittle,  
Douglass of J, Lane.

ABSENT—2.

Jarvis, MacManus.

On motion of Senator McDonald,  
The Senate went into executive ses-  
sion.

#### IN THE SENATE.

On motion of Senator Stinson,  
The confirmations of the executive  
session were ordered printed in the  
Journal, the Governor to be notified of  
the same.

The Senate advises and consents to  
the appointment of Jas. H. Lyday,  
of Fannin county, to be district attor-  
ney of the Sixth Judicial district of  
Texas.

The Senate advises and consents to  
the appointment of

Samuel Gelston of Brownsville,  
Elisha Kennedy of Brownsville,  
Fred Forto of Point Isabel,  
Christian Hess of Point Isabel and  
William Kelley of Brownsville,  
To be pilot commissioners at Brazos  
Santiago.

The Senate advises and consents to  
the appointment of

Julius Runge, Leon Blum, Thomas  
H. Sweeny, J. N. Sawyer and Charles  
Fowler, to be pilot commissioners at  
Galveston.

On motion of Senator Calhoun,

The Senate adjourned till 3 o'clock  
p. m.

#### AFTERNOON SESSION.

The Senate met pursuant to adjourn-  
ment.

Lieutenant Governor Wheeler in  
the chair.

On motion of Senator Burges,  
House bill No. 172,

"An act to authorize and require the  
Commissioner of the General Land  
Office to issue a patent to the heirs of  
Michael Kuhlman for 320 acres of land,  
located in Gillespie county, on Decem-  
ber 1, 1879, by virtue of scrip No. 5,"  
was taken up, read second time with  
favorable committee report, and pass-  
ed to third reading.

SENATOR FRANK

Sent up the following privileged re-  
port:

COMMITTEE ROOM. }

March 9, 1887 }

Hon. T. B. Wheeler, President of the  
Senate:

Sir—Your Committee on Engrossed  
Bills have carefully examined Senate  
bill No. 251, entitled:

"An act to require occupation  
license to be posted by persons, firms  
and corporations, upon whom an occu-  
pation tax is levied in their places of  
business, and to punish violations of  
the same," and find the same correctly  
engrossed.

FRANK, chairman.

Senator Harrison, by leave, sent up  
the following committee report:

COMMITTEE ROOM, }

AUSTIN, March 8, 1887. }

Hon. T. B. Wheeler, President of the  
Senate:

Sir—Your Committee on counties  
and county boundaries, to whom was  
referred House bill No. 85, entitled,

"An act to create the county of  
Mills," have had the same under con-  
sideration, and instruct me to report it  
back to the Senate with the recom-  
mendation that it do pass.

All of which is respectfully submit-  
ted.

HARRISON, chairman.

Bill read first time.

House bill No. 74.

"An act to amend article 425, of the  
Penal Code of the State of Texas,"  
was laid before the Senate, read third  
time and was passed.

House bill No. 125.

"An act to provide a more speedy  
counting of the vote at special and  
general elections and to pay the judges  
and clerks for the same," was laid be-  
fore the Senate, read third time and  
was passed.

Senate bill No. 2.

"An act to restore to and confer  
upon the county courts of Live Oak,  
Karnes and Throckmorton counties  
the civil and criminal jurisdiction  
heretofore belonging to said courts  
etc., etc." was laid before the Senate  
with House amendment.

SENATOR ARMISTEAD

Moved to amend the amendment as  
follows:

Amend the House amendments by  
adding the words "Cass and Panola,"  
after the word "Coryell" wherever it  
occurs in the bill.

Adopted by the following vote:



## YEAS—23.

Abercrombie,	Harrison,
Allen,	Houston,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Davis,	Stinson,
Douglass of G,	Terrell,
Frank,	Woodward.
Garrison,	

NAYS—none.

## ABSENT—3.

Claiborne, Field.  
Douglass of J.

On motion of Senator Burges,  
The further consideration of the bill  
and amendment was postponed till  
Saturday next.

House bill No. 34.

"An act to provide for the election  
of a district attorney in the Eighteenth  
Judicial district of the State of Texas,"  
was laid before the Senate, read sec-  
ond time with favorable report and  
passed to third reading.

House bill No. 35.

"An act to amend the Revised Civil  
Statutes of the State of Texas, title  
29, by adding thereto Article 1297a, so  
as to require all issues of law in civil  
jury trials, to be decided by the  
courts before cases are argued to the  
jury, and to amend Article 1299 there-  
of," was laid before the Senate and  
read second time, with unfavorable  
committee report.

## SENATOR BELL

Moved to adopt the committee re-  
port.

SENATORS HARRISON, SIMKINS AND  
BURGES

Opposed the adoption of the report  
and

SENATOR BELL

Favored it.

The motion to adopt the report was  
lost by the following vote:

## YEAS—10.

Abercrombie,	Jarvis,
Allen,	Lane,
Bell,	McDonald,
Camp,	Stinson,
Frank,	Terrell.

## NAYS—14.

Armistead,	Garrison,
Burges,	Harrison,
Burney,	Houston,
Calhoun,	Knittle,
Davis,	MacManus,
Douglass of G,	Simkins,
Field,	Woodard.

## ABSENT—2.

Claiborne, Douglass of J.

## SENATOR BURGESS

Moved to add to the end of section 2  
the following:

"Provided, that the court shall have  
the right after the the argument is  
closed to give any additional instruc-  
tions deemed necessary to give the  
jury all the law of the case."

## SENATOR BURGESS

Explained the amendment, and it was  
adopted.

(Senator Terrell in the chair.)

## SENATOR LANE

Moved to postpone the further consid-  
eration of the bill till Saturday next  
and have it printed.

Lost.

## SENATOR LANE

Opposed the bill, and moved that it be  
postponed till next Friday and have it  
printed.

Lost.

## SENATOR BELL

Moved that it be postponed till Satur-  
day week.

Lost.

The bill was passed to third reading  
by the following vote:

## YEAS—13.

Armistead,	Harrison,
Burges,	Houston,
Calhoun,	Knittle,
Davis,	MacManus,
Douglass of G,	Simkins,
Field,	Woodward.
Garrison,	

## NAYS—11.

Abercrombie,	Burney,
Allen,	Camp,
Bell,	Frank,

Jarvis,  
Lane,  
McDonald,

Stinson,  
Terrell.

ABSENT—2.

Clatborne, Douglass of J.

(The President in the chair.)

Substitute House bill No. 38.

"An act to amend Article 314, chapter 3, title 9, of the Penal Code of the State of Texas, as amended by the General Laws of the State of Texas at the regular session of the Eighteenth Legislature," was laid before the Senate and read second time, with unfavorable report, and

On motion of Senator Bell,

Was laid on the table subject to call.  
House bill No. 39.

"An act to amend section 46, chapter 25, of the acts of 1885, entitled 'an act to amend chapter 79, of the acts of 1883,' entitled 'an act to amend section 46 of an act to encourage stock-raising and protect stockraisers, approved April 22, 1879 and amended April 4, 1881 and April 12, 1883,'" was laid before the Senate and read second time with favorable report.

SENATOR WOODWARD

Moved to amend by adding the word "Victoria" after the word "Matagorda" in line 4, page 2.

Adopted.

SENATOR ABERCROMBIE

Moved to amend section 1 by adding in line 4, after the word "Calhoun," the word "Harris;" and amend also by adding in line 20, after the word "Williamson," the word "Harris."

Adopted.

SENATOR FRANK

Moved to amend by adding the word "Erath" after the word "Somnervell," in line 19.

Adopted.

SENATOR WOODWARD

Moved to amend by adding the word "Victoria" after the word "Jackson," in line 19.

Adopted.

SENATOR DAVIS

Moved to add after word "Hopkins," in line 5, the word "Houston."

Adopted.

As amended the bill was passed to third reading.

Substitute House bills Nos. 43 and 45,  
"An act to amend chapter 2, Article 566, of the Revised Civil Statutes, as amended by an act of the Nineteenth Legislature, approved March 27, 1885," was laid before the Senate, read third time and passed.

Substitute House joint resolutions Nos. 5 and 13, and House bill No. 26,

"Joint resolution to amend section 2, of Article 6, of the Constitution of the State of Texas," was laid before the Senate and read second time with committee amendment.

SENATOR BURNEY

Opposed,  
And

SENATOR HOUSTON

Favored the committee amendment.  
The amendment was lost.

SENATORS LANE AND MACMANUS

Opposed the joint resolution,  
And

SENATOR BURNEY

Favored it.

SENATOR BURGESS

Moved to amend by striking out in the line 4, on page 2, the words, "the first day of January, A. D. 1887, and insert in lieu thereof, 'the first Thursday in August A. D. 1887."

SENATOR BURGESS

Favored the amendment.  
And

SENATOR ARMISTEAD

Opposed it.  
Lost.

The joint resolution was lost by the following vote:

YEAS—10.

Bell,  
Burney,  
Calhoun,  
Davis,  
Field,

Frank,  
Garrison,  
Houston,  
Simkins,  
Stinson.

NAYS—14.

Abercrombie,  
Allen,  
Armistead,  
Burgess,  
Camp,  
Douglass of J,  
Harrison,

Jarvis,  
Knittle,  
Lane,  
McDonald,  
MacManus,  
Terrell,  
Woodward.

## ABSENT—2.

Calhorne, Douglass of G.  
By leave.

SENATOR FRANK.

Sent up

A bill to be entitled:

"An act to amend Article 1535, chapter 1, title 32, of the Revised Civil Statutes of the State of Texas, and to repeal section 1, chapter 98, of the General Laws passed by the Nineteenth Legislature, approved March 31, 1885.

Referred to Judiciary Committee No 2.

On motion of Senator Stinson.

The Senate adjourned till 10 o'clock, to-morrow morning.

## FIFTY-FIRST DAY.

SENATE CHAMBER. }

AUSTIN, TEXAS, March 10, 1887. }

The Senate met pursuant to adjournment,

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the Journal of yesterday was dispensed with.

SENATOR SIMKINS

Asked leave to have the Journal of yesterday to show that the amendments of Senator Allen and himself to Senate bill No. 117, pending on adjournment at noon on the third instant, were withdrawn.

The leave was granted, and the Journal so shows.

SENATOR HARRISON

Entered a motion to reconsider the vote by which substitute House joint resolutions Nos. 5 and 13 and House bill No 26 was on yesterday lost.

## PETITIONS AND MEMORIALS.

BY SENATOR DOUGLASS OF JEFFERSON:

Petition of colored citizens of Sabine Pass for establishment of industrial department at Prairie View.

Referred to Committee on Education.

The following message was received from the Governor:

EXECUTIVE OFFICE, }  
AUSTIN, March 10, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of

R. D. Simpson,

John Hall,

John Anderson,

John J. Caruthers, and

Charles Dean

To be pilot commissioners at Aransas Pass.

Respectfully,

L. S. Ross,  
Governor.

EXECUTIVE OFFICE, }  
AUSTIN, March 10, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of

J. M. Bickford,

J. W. Hogan,

Dan Simpson,

H. W. Hawes and

W. H. Smith,

All of Calhoun county, to be pilot commissioners at Pass Cavallo.

Respectfully,

L. S. Ross,  
Governor.

## REPORTS OF STANDING COMMITTEES.

BY SENATOR M'DONALD:

COMMITTEE ROOM, }  
AUSTIN, March 8, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 23, amending section 10, Article 8, of the Constitution," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

McDONALD, acting chairman.

Joint resolution read first time.

BY SENATOR HOUSTON:

COMMITTEE ROOM, }  
AUSTIN, March 8, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments to whom was re-